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- e. As to neutral governments or individuals in war.
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- g. As to other governments or individuals in war.

The General Committee will notice, as has been said, that the subcommittee has in general refrained from suggesting specific forms of amendment, believing that these topics need far more extended and detailed study than has been possible for the subcommittee at the present time.

Respectfully submitted,

HARRY PRATT JUDSON,
Chairman.

Chairman LANSING. The next report will be by Subcommittee No. 3. The chairman of that committee is Governor Simeon E. Baldwin, and he requests that the report be read and presented by Professor George G. Wilson.

Professor WILSON read the following report:

REPORT OF SUBCOMMITTEE NO. 3

To endeavor to reconcile divergent views and secure general agreement upon the rules which have been in dispute heretofore.

In reviewing the interpretation of international rules, the subcommittee finds divergence of opinion upon many points.

Typical of this divergence are:

- (1) The forms and requisites of declarations of war since 1914;
- (2) The effect of war upon treaties, *e. g.*, opinions concerning the force of the treaty between the United States and Prussia of 1785 and 1828;
- (3) The rules of land warfare, *e. g.*, the controversies concerning the application of Art. XXIII (h) of the Fourth Hague Convention of 1907;
- (4) Problems of maritime warfare, *e. g.*, the abolition of the distinction between absolute and conditional contraband, and the extension of the doctrine of continuous voyage.

The following suggestions have been made:

(a) That outside of neutral jurisdiction, the ultimate destination of a neutral vessel or cargo determines the liability of either to condemnation.

(b) That there should be considered the abandonment of the doctrine of conditional contraband, specifically, with reference to the treatment of foodstuffs.

(c) That there should be considered the feasibility of a general agreement concerning the operation and effect of neutral governmental certification of the non-hostile uses of neutral foodstuffs destined to hostile territory, as a safeguard against capture and condemnation.

Chairman LANSING. Subcommittee No. 4 is next in order. The chair-

man of that subcommittee is Mr. Paul S. Reinsch, recently head of our diplomatic service in China.

REPORT OF SUBCOMMITTEE NO. 4

To consider the subjects not now adequately regulated by international law, but as to which the interests of international justice require that rules of law shall be declared and accepted.

Dr. REINSCH. Mr. Chairman, the committee made a selection from a large number of topics with a view, not of covering the field, but of selecting topics upon which, in our opinion, attention has to be concentrated.

We have had in mind also the fact that in international law as it has hitherto been treated in text-books and in general discussions, there has been but a very small part that could be described as law in the sense of being universally accepted and recognized rules that must be followed; and a great deal of the material thus treated consisted of precedents or the practice of this or that state, without presuming or pretending to be a rule imposed by all upon each other by their common will. So in outlining this program we have not felt so much that a code or a codification of individual parts could immediately be produced, but that it was necessary to review the material with the purpose of focusing the knowledge thus gained upon a clear statement of principles that might recommend itself to the representative publicists and the governments as constituting rules which could be generally applied and would be generally accepted.

Now, with that in view we have divided these topics that we have selected out of the multitude of material, into three classes, having in view the fact that the committee desires to work for the advancement of international law in the application of that law by an international tribunal. Therefore, we have put into class one those topics upon which we believe that an early formulation of at least a certain number of definite rules is advisable. We have put into the second class those topics which will require, while they are in some cases more important even than the individual topics in class one, more time and more research before an adequate basis is found for making such proposed rules. In the third class we have placed those topics concerning which we had some doubt to what extent it would be possible to find a basis for general rules but which seemed to merit study with that idea in view.

I shall now read to you the list of topics, with no commentary except in one or two cases. I might state that on several of these topics material was presented to the subcommittee, but it was felt that the committee had too short a time for a weighing of these materials, that they should be made a part of the *res gestae* and not brought up for discussion at this time.

The topics under the first class are:

(1) The grounds upon which intervention is justified, and the various forms which intervention may take. (It therefore deals both with the substantive law and the law of procedure in the matters of intervention.)

(2) Qualified and full recognition of governments and states. (This includes, therefore, four topics, qualified recognition of governments and full recognition of governments, and the same for states.)